

**PATENT**  
**Application No. 09/592,387**

**Docket No. RSW920000026US1**  
**Page 6**

**REMARKS**

In the Office Action, the Examiner indicated that claims 1, 2, 4-12, and 14-20 are pending in the application and the Examiner rejected all claims.

**Claim Rejections, 35 U.S.C. §103**

In item 4 of the Office Action, the Examiner rejected claims 1, 2, 4, 11-12, and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,825,356 to Habib et al. ("Habib"). In item 5 of the Office Action, the Examiner rejected claims 5-10 and 15-20 under 35 U.S.C. §103(a) as being unpatentable over Habib in view of U.S. Patent No. 6,734,883 to Wynn et al.

**Rejection of Claims 1, 2, 4, 11, 12, and 14**

The rejection of claims 1, 2, 4, 11, 12, and 14 has been rendered moot by the claim amendments submitted herein. Specifically, applicant has amended claim 1 to include the limitations of claims 4 and 5, and claim 11 has been amended to include the limitations of claims 12 and 13. Accordingly, the rejection of claims 1, 2, 4, 11, 12, and 14 under 35 U.S.C. §103 in view of Habib is now moot.

**Rejection of Claims 5-10 and 15-20**

Claim 5 has been rewritten as independent claim 1, and includes the limitations of intervening claim 4; claim 15 has been rewritten as independent claim 11, and includes the limitations of intervening claim 14. Claims 4, 5, 14, and 15 have thus been canceled, leaving

**PATENT**  
**Application No. 09/592,387**

**Docket No. RSW920000026US1**  
**Page 7**


claims 1, 2, 6-10, 11, 12, and 16-20 pending and rejected based on Habib in view of Wynn under 35 U.S.C. §103. However, the subject matter of Wynn and the claimed invention were, at the time the invention was made, owned by the same person (International Business Machines Corporation) or subject to an obligation of assignment to the same person (International Business Machines Corporation). See attached Declaration of Carl T. Anderson; see also the recorded assignment from the inventors to International Business Machines Corporation, recorded on June 12, 2000 at Reel/Frame 010890/0631. Thus, Wynn is not prior art under 35 U.S.C. §103(c). Accordingly, Claims 1, 2, 6-10, 11, 12, and 16-20 are in condition for allowance. Reconsideration of the claims and an early notice of allowance are earnestly solicited.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

APRIL 15, 2005  
Date

  
Mark D. Simpson, Esquire  
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP  
2600 ARAMARK Tower  
1101 Market Street  
Philadelphia, PA 19107  
Telephone: (215) 923-4466  
Facsimile: (215) 923-2189

M:\MSIMPSON\CLIENTS\SUBM RALEIGH RSW\23899\PAT OFF\REPLY TO FINAL ACTION OF 11162004.DOC